

## REMARKS

The first Office Action mailed May 17, 2007, in regard to the above-referenced patent application (hereinafter "Office Action") rejected Claims 1-6 under 35 U.S.C. § 101 as failing to fall within a patentable statutory category. Claims 1-11, 30-35, and 53-56 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,442,748 to Bowman-Amuah (hereinafter "Bowman"). Claims 12-14, 16, 17, 20, 28, 36, 37, 39, 40, 43, and 51 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2002/0078069 A1 to Moore (hereinafter "Moore"). Claims 21-27, 29, 38, 41, 42, 44-50, and 52 were rejected under 35 U.S.C. § 103(a) as unpatentable over Moore in view of Bowman. This response amends Claims 1, 7, 12-15, 17, 21-23, 30, 33-35, 37-38, 40, 45-46, 53, and 55. Claims 2-6, 8-11, 16, 18-20, 24-29, 31-32, 36, 39, 41-44, 47-52, 54, and 56 are as previously presented.

It is noted that Claims 36-52 have been improperly rejected using the current prior art. For example, Claim 36 depends from Claim 30, and although independent Claim 30 was rejected under 35 U.S.C. § 102(b) as anticipated by Bowman, dependent Claim 36 was rejected under 35 U.S.C. § 102(b) as anticipated over Moore. Additionally, claims that were rejected under 35 U.S.C. § 103(a) have been improperly formed using Moore as the primary reference instead of Bowman. Despite the fact that the rejections are of improper form, they will be addressed accordingly in view of both references.

Applicant respectfully requests reconsideration and allowance of the pending claims.

Prior to discussing in detail why applicant believes that all of the claims in this application are allowable over the cited and applied references, brief summaries of the disclosed subject matter and of the cited and applied references are provided. The following discussions of the disclosed subject matter and the cited and applied references are not provided to define the scope or interpretation of any of the claims. Instead, the discussions are provided to help the

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U.S. Patent and Trademark Office better appreciate important claim distinctions discussed hereafter.

#### Summary of the Disclosed Subject Matter

Disclosed are methods implementable in a computer readable medium for creating generators that will execute a specific task. Values of generator properties for each generator specify the behavior of the generator during execution. For example, the incrementation capability adjusts the value of a generator property during consecutive executions. Additionally disclosed are classes and at least one indicator associated with the generators that schedule, log, and indicate the status related to the generators.

#### Summary of Bowman

Bowman is directed to a system that is an object-to-relational persistence architecture. Specifically, Bowman allows developers, in particular, business development teams and data access teams, to create objects using a state class as a "contract." This state class is formed from a persistent object or state of a persistent object, and each development team must adhere to the requirements of the state class while developing their given programs or logic. The benefit in Bowman is to allow parallel development on a system between a business development team and a data access team without the worry of corrupting or losing data because one team accesses or changes data that should not have been changed. Bowman is not directed to the creation of generators for executing a specific task.

#### Summary of Moore

Moore is directed to a system and a method that allows a user to implement a template to create files with different names without having to manually create and name those files. A user specifies which name, which name base, or how any portion of a file name is to be written. As the system traverses the files, a user is normally prompted to accept the name or alter it. After

the user has entered the preference on naming, the system creates or renames the file. Like Bowman, Moore is not directed to the creation of generators for executing a specific task.

#### Rejections Under 35 U.S.C. § 101

##### Claims 1-6

The Office Action asserts that Claims 1-6 fail to meet the requirements of 35 U.S.C. § 101 because the claims are merely a list and there is no action or functionality between any elements of the list. Applicant respectfully disagrees.

According to § 2106 of the M.P.E.P., non-functional descriptive material such as a list or software that produces a useful, concrete, and tangible result will satisfy 35 U.S.C. § 101. As long as there is some functionality between any of the members of the list, there may be enough to satisfy § 101. Also, individual elements that, by themselves, would fail to satisfy 35 U.S.C. § 101 cannot be used as a basis for a rejection; the invention as a whole must be examined. *State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368 (Fed. Cir. 1998).

Independent Claim 1 has been amended to include "wherein the logging class is used to verify the tasks performed by the generators." In light of the fact that the currently amended claims rejected under 35 U.S.C. § 101 recite useful functionality between elements of the claimed invention, applicant respectfully submits that Claims 1-6 are clearly not rejectable under 35 U.S.C. § 101 and requests that the rejection of Claims 1-6 on these grounds be withdrawn.

#### Rejections Under 35 U.S.C. § 102(b) Over Bowman

The Office Action asserts that Bowman discloses all of the elements of independent Claims 1, 7, 30, 53, and 55. Applicant respectfully disagrees.

As noted in the summaries above, Bowman and applicant's disclosed subject matter have important differences. Bowman is directed to a system that allows for the separation of logic development from data access development so that a persistent object or a persistent state of an

object is insulated from change. This avoids corruption of data or loss of data during development. Applicant's disclosed subject matter, however, is directed to methods that generate an object to perform a specified task. The execution of the task by the generator is accomplished through generator properties. Bowman is directed to data preservation, whereas applicant's claimed subject matter is directed to executing a generator class to perform a specific task.

The Office Action alleges that applicant's claims read on the cited portions of Bowman. Applicant respectfully disagrees. The cited portions in Bowman have little, if any, relationship to one another. Elements or portions of the prior art must relate to one another as recited in the claims in order to anticipate the claimed subject matter. See M.P.E.P. § 2131. This means that elements of the prior art cannot be picked arbitrarily and lumped together in one rejection to anticipate the claimed subject matter.

Further, the cited elements do not function in the same way as applicant's claimed subject matter. For example, the Office Action cites Col. 272, line 66-Col. 273, line 6, as reading on applicant's incrementation capability as seen in Claim 1. However, that particular cited passage of Bowman relates to a persistence object and not an incrementation capability.

A persistence object in Bowman is an object that allows data in its original or a modified state to persist, that is, to remain unchanged. However, the incrementation capability of applicant's claimed subject matter is the ability of a generator to increment a value of the generator function. Incrementation capability is not the same as a persistent object as disclosed in Bowman.

All independent claims have been amended to include a verifying step. Since Bowman lacks any verification as disclosed by applicant, Bowman cannot anticipate the disclosed subject matter. In light of the above arguments and the amendments to the claims, it is respectfully

requested that the 35 U.S.C. § 102(b) rejections over Bowman be withdrawn and the claims allowed.

Rejections Under 35 U.S.C. § 102(b) Over Moore

All of the independent claims have been amended to include verifying the tasks performed by the generators. In light of these amendments and the fact that Moore fails to disclose any verification, it is respectfully requested that the rejections under 35 U.S.C. § 102(b) over Moore be withdrawn and the claims allowed.

Rejections Under 35 U.S.C. § 103(a) Over Bowman In View of Moore

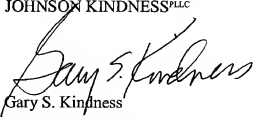
In light of the above arguments against using Bowman and Moore as prior art and the newly amended step of verifying the tasks performed by the generators, it is respectfully requested that the 35 U.S.C. § 103(a) rejections be withdrawn and the claims allowed.

CONCLUSION

The foregoing amendment and response is submitted as a full and complete response to the first Office Action mailed May 17, 2007. If the Examiner believes that there are any issues that can be resolved by a telephone conference or that there are any informalities that can be corrected by an Examiner's amendment, please feel free to call applicant's undersigned attorney.

Respectfully submitted,

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